



1 Cir. 1987) (“Federal district courts, as courts of original jurisdiction, may not serve as  
2 appellate tribunals to review errors allegedly committed by state courts.”) .

3 We also agree with defendants that any claims against the Superior Court or Judge  
4 Cahill in his official capacity are barred by the Eleventh Amendment and must be dismissed.  
5 The Eleventh Amendment prohibits lawsuits by private litigants against the State, its  
6 agencies, or its employees in their official capacities. Edelman v. Jordan, 415 U.S. 651, 663,  
7 94 S. Ct. 1347, 1356 (1974). The Superior Court of Arizona is a state court, not a county  
8 court. Ariz. Const. art. 6, § 13.

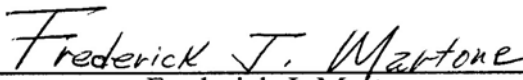
9 Even if plaintiff’s claims are liberally construed as brought pursuant to 42 U.S.C. §  
10 1983, they must also be dismissed. Neither the State, its agencies, nor its officials acting in  
11 their official capacities, are “persons” within the meaning of § 1983. Will v. Michigan Dept.  
12 of State Police, 491 U.S. 58, 71, 109 S. Ct. 2304, 2312 (1989). The claims against the  
13 Superior Court and Judge Cahill in his official capacity are not cognizable under § 1983 and  
14 are dismissed.

15 Finally, defendants contend that any claims brought against Judge Cahill in his  
16 individual capacity must be dismissed as they are barred by the doctrine of absolute judicial  
17 immunity. Judges are absolutely immune from liability for acts within their judicial roles.  
18 Pierson v. Ray, 386 U.S. 547, 554, 87 S. Ct. 1213, 1218 (1967). The allegations against  
19 Judge Cahill are solely related to his rulings in plaintiff’s state lawsuit. See Response at 2.  
20 Therefore, Judge Cahill is entitled to absolutely immunity for these claims and they are  
21 dismissed.

22 **IT IS ORDERED GRANTING** defendants’ motion to dismiss (doc. 7). The clerk  
23 shall enter final judgment.

1 Plaintiff is advised to seek the advice of counsel. If he is aggrieved by the judgment  
2 of the Superior Court, he may seek further judicial review within the state system

3 DATED this 30<sup>th</sup> day of May, 2008.

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7 Frederick J. Martone  
8 United States District Judge  
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